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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,749	02/22/2006	Lamson Nguyen	102792-133 (11256P3 US)	8449
27380	7590	12/07/2010		
PARFOMAK, ANDREW N. NORRIS MCLAUGHLIN & MARCUS PA 875 THIRD AVE, 8TH FLOOR NEW YORK, NY 10022			EXAMINER NGUYEN, TUAN N	
			ART UNIT 3751	PAPER NUMBER
			MAIL DATE 12/07/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/561,749

Applicant(s)

NGUYEN ET AL.

Examiner

Tuan N. Nguyen

Art Unit

3751

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/16/10 have been fully considered but they are not persuasive. Reference US 6,625,821 (hereinafter Lhoste2, see col. 2, lines 59-61) is the evidence that interchangeability between liquid and solid composition is well-known at the time the invention was made. With respect to Applicant's argument against the Bloom reference, the Examiner agrees that Bloom's system uses pressurized canister dispensers to dispense liquid composition into the toilet and the surrounding. However, Bloom's concept is to produce an "effective system for dispensing deodorants, disinfectants, and cleaning agents into and surrounding toilet bowls" (see col. 1, lines 49-54). Although the Bloom system merely focus on the dispensing of liquid composition at the time the invention was made and not on the solid composition as claimed, the secondary reference Lhoste was utilized for the latter teaching of a dispenser system for dispensing solid disinfectant into a toilet bowl and the corresponding structure to allow passage of water through the solid disinfectant and dispense into the toilet bowl. Furthermore, Bariou was utilized for the latter teaching of a dispenser system for dispensing a solid deodorant such as fragrance that is housed separate from the solid disinfectant and avoid water contact. The Lhoste and Bariou dispensing systems are the latter alternative equivalent systems, which are mere substitution of liquid for solid composition. These modifications would neither destroy the intended purpose of Bloom nor hindsight reconstruction since the teaching of separation between the fragrance and disinfectant dispensing system, one being inside

the toilet bowl and one being on the outside of the toilet bowl, is already taught by Bloom.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloom in view of Lhoste and Bariou as evidenced by Lhoste2.

Bloom discloses a device useful in conjunction with a toilet bowl 13 or other sanitary appliance, which device provide for the delivery of a treatment composition (column 1, lines 7-10) to the toilet bowl or other sanitary appliance, which contains one or more active agents such as coloring agent, cleaning agent and/or an anti-lime scale agent or a mixture of these agents, while simultaneously providing a fragrance effect to the ambient environment of the sanitary appliance as well, wherein the device includes a first dispenser 11 for containing a treatment composition, a second dispenser 11 for containing a fragrance composition, which, during the use of the device, the fragrance composition desirably does not contact water in the sanitary appliance, a hanger 40 intermediate to and connecting the first dispenser to the second dispenser, which hanger is adapted for removably hanging the device upon a portion of a sanitary appliance. Instead of having the fluid disinfectant as shown in Fig. 8 of Bloom, one of ordinary skill in the art at the time the invention was made to substitute an equivalent

solid disinfectant as taught by Lhoste as evidenced by Lhoste2 (see col. 2, lines 59-61). Moreover, the spray fragrance as shown in Fig. 8 of Bloom can obviously be substitute by an equivalent solid fragrance (13) within into a cavity as taught by Bariou as evidenced by Lhoste2. This modification is mere simple substitution of one known element for another to obtain similar predictable results.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan N. Nguyen whose telephone number is 571-272-4892. The examiner can normally be reached on Monday-Friday (10:00-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tuan N Nguyen/
Primary Examiner, Art Unit 3751

TN